

**UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

MARIA ALEJANDRA CELIMEN SAVINO,
JULIO CESAR MEDEIROS NEVES, and all
those similarly situated,

Petitioners-Plaintiffs,

v.

STEVEN J. SOUZA,

Respondent-Defendant.

Case No. 1:20-cv-10617 WGY

BRIEFING ON INDIVIDUAL APPLICATIONS FOR BAIL
MONDAY, APRIL 13, 2020

1. Illicachi-Shigla, Juan
2. Reyes-Batista, Amaury Vladimir
3. Vasquez Aparicio, Deivis
4. Wafula, Lloyd
5. Carranza-Lopez, Miguel
6. Dias, Amiry
7. Ortega-Vasquez, Ricardo
8. Rivera Fernandez, Jose
9. Warwood, John
10. Ixcuna-Lucas, Miguel

INTRODUCTION

Plaintiffs respectfully submit this briefing on the individual applications for bail that are scheduled for the Court's consideration on April 13, 2020. Information that is common to a number of applications (*e.g.*, briefing on CDC high-risk medical conditions) has previously been filed with this Court, *see* ECF 52, 56, 65, and is incorporated herein by reference. The individualized briefings that are attached hereto as Exhibits 1-2, 4-6, and 8-10 refer to this information as it may be relevant to particular individuals, and also include the following information for each individual: a) Biographical Information; b) Medical Condition; c) Plans For Transportation/Lodging If Released; d) Criminal History; and e) Immigration History.¹

Plaintiffs have omitted substantive briefing on Deivis Vasquez Aparicio (#3) and Ricardo Ortega-Vasquez (#7) because Plaintiffs have been unable to reach these individuals or confirm their status. It is Plaintiffs' understanding that Mr. Aparicio is no longer at the facility, although it is unclear whether that occurred through release or through transfer because removal is imminent. It is Plaintiffs' understanding that Mr. Ortega-Vasquez has been transferred to Strafford County House of Corrections for removal.²

¹ As with previous filings, if the Court determines that there are certain records or additional evidence that is needed, or wishes the included material to be presented in a different format, Plaintiffs respectfully request that the Court so inform counsel, so that we may attempt to provide it to the Court expeditiously.

² Mr. Ortega-Vasquez is one of five detainees the government announced it would seek to move for "removal during the week of April 12, 2020." ECF 62 (Notice of Intent to Transfer Out of the District). At the hearing on April 9, 2020, the Court indicated its understanding that this meant that the individuals named would be deported within a reasonable timeframe. Plaintiffs understand that the Dominican Republic, Mr. Ortega-Vasquez's country of origin, has effectively closed its borders for the time being. *See* ECF 56 (Briefing on Individual Applications for Bail, Wednesday, April 8, 2020) at 4. Plaintiffs respectfully request the ability to present full briefing in favor of Mr. Ortega-Vasquez's release if the government has not deported him by April 23, 2020, two weeks from the date of its filing announcing the intent to transfer him for removal.

PENDING MATTERS

Plaintiffs' Motion to Add Individual to Subclass 1, ECF 40 (regarding misclassification of named Plaintiff Maria Alejandra Celimen Savino due to error on government spreadsheet) has been fully briefed and remains pending.

In order to ensure continued smooth operation of this process of individualized applications for bail, Plaintiffs urge the Court to request that Defendants provide an updated spreadsheet to both the Court and Plaintiffs, reflecting the current population of BCHOC. It is Plaintiffs' understanding that a number of individuals who are on for hearing later this week are no longer at BCHOC, either because they have been transferred to effectuate removal or because they have been released on bond. If an updated spreadsheet is provided that indicates that certain individuals on the Court's List for this week no longer require individual applications for bail, Plaintiffs request to submit briefing on other class members that the Court might choose to designate as substitutes, should the Court wish to maintain its review of ten individuals per day.

COMMON ISSUES IN INDIVIDUALIZED BRIEFINGS

I. The COVID-19 pandemic continues to escalate in Massachusetts.

	<u>COVID-19 Deaths (MA)</u>	<u>COVID-19 Cases (MA)³</u>
<i>March 27, 2020 (Date of Complaint Filing)</i>	35	3240
<i>April 12, 2020</i>	756 (increase of 70 in last 24 hours)	25,475 (increase of 2,615 in last 24 hours)

³ Source: <https://www.mass.gov/info-details/covid-19-cases-quarantine-and-monitoring>

CONCLUSION

Plaintiffs submit that for the foregoing reasons, as well as the specific reasons laid out in the attached individualized briefings, this Court should grant the release of the following detainees: Juan Illicachi-Shigla; Amaury Vladimir Reyes-Batista; Lloyd Wafula; Miguel Carranza-Lopez; Amiry Dias; Jose Rivera Fernandez; John Warwood; Miguel Ixcuna-Lucas; and Maria Alejandra Celimen Savino.

April 12, 2020

Respectfully Submitted,

/s/ Oren Sellstrom

Oren Nimni (BBO #691821)

Oren Sellstrom (BBO #569045)

Lauren Sampson (BBO #704319)

Ivan Espinoza-Madrigal†

Lawyers for Civil Rights

61 Batterymarch Street, 5th Floor

Boston, MA 02110

(617) 988-0606

onimni@lawyersforcivilrights.org

Grace Choi, Law Student Intern*

Kayla Crowell, Law Student Intern*

Laura Kokotailo, Law Student Intern*

Aseem Mehta, Law Student Intern*

Alden Pinkham, Law Student Intern*

B. Rey, Law Student Intern*

Megan Yan, Law Student Intern*

Reena Parikh†

Michael Wishnie (BBO# 568654)

Jerome N. Frank Legal Services Organization

P.O. Box 209090

New Haven, CT 06520

Phone: (203) 432-4800

michael.wishnie@ylsclinics.org

† Admitted *pro hac vice*.

* Motion for law student appearances pending.

CERTIFICATE OF SERVICE

I hereby certify that, on April 12, 2020 a copy of the foregoing document was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of this court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's CM/ECF system.

Date: April 12, 2020

/s/ Oren Sellstrom
Oren Sellstrom (BBO #569045)